

UNITED STATES DISTRICT COURT **FILED**
DISTRICT OF MASSACHUSETTS **IN CLERKS OFFICE**

2006 MAR 15 P 1:56

**ANN MITCHELL,
Plaintiff**

**U.S. DISTRICT COURT
DISTRICT OF MASS.**

v.

CIVIL ACTION NO. 04-CV-12169-REK

**HALLMARK HEALTH SYSTEMS/
LAWRENCE MEMORIAL HOSPITAL
JULIE CHASE SHAUGHNESSY
Defendants**

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION
TO STRIKE DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION TO COMPEL
FURTHER PRODUCTION OF DOCUMENTS**

Plaintiff Ann Mitchell ("Plaintiff") has moved this Honorable Court to strike Defendants' Opposition To Plaintiff's Motion to Compel Further Production of Documents as untimely. As reasons therefore, Plaintiff served her Motion to Compel Further Production of Documents via first class mail on Defendant on February 18, 2006. Under Local Rule 37.1, Defendant's opposition, if any, was due on or before March 6, 2006 (16 days total, as the 14 days allowed under the rule ended on Saturday, March 4, 2006). *See Local Rule 37.1(c) ("The opposing party may respond to the memorandum within fourteen (14) calendar days after service thereof"* (emphasis added)). Defendant did not file its opposition until March 13, 2006, seven days late. Plaintiff did not receive Defendant's opposition until after 4:25 p.m. on March 13, 2006 (the time this Court sent out notice of filing), less than 48 hours prior to the March 15, 2006 hearing, thereby depriving Plaintiff of an opportunity to respond thoughtfully.

For the reasons cited herein, Plaintiff respectfully requests that this Honorable Court
ALLOW Plaintiff's Motion to Strike.

Respectfully submitted,
ANN MITCHELL
By Her Attorney,

March 14, 2006


/s/ Alice Whitehill Wiseberg

Alice Whitehill Wiseberg
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CIVIL ACTION NO. 04-cv-12169-REK

CERTIFICATE OF SERVICE

I, Alice Whitehill Wiseberg, hereby certify that I have served the foregoing Motion to Strike on Defendant Hallmark Health by electronic mail at approximately 11:16 pm on March 14, 2006 and by delivering in hand to counsel of record, John Simon, Esq., Stoneman, Chandler & Miller LLP, 99 High Street, Boston, MA 02110 on March 15, 2006.

March 15, 2006


/s/ Alice Whitehill Wiseberg

Alice Whitehill Wiseberg.